

GUAM EPA'S FINAL RESPONSES TO COMMENTS RECEIVED IN REFERENCE TO GREEN CLOVER ENVIRONMENTAL LLC'S SOLID WASTE PROCESSING PERMIT

PUBLISHED - TUESDAY, JUNE 24, 2014

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
5/12/14	1	Barrigada Mayor Blas	Concerned due to area with a lot of children, elderlies, water wells, residents, M1 Zone. (Read written comments and Resolution submitted)	Guam EPA acknowledges your comment.	Oral
5/12/14	2	Senator Dennis Rodriquez	Earlier Mr. Gutierrez has indicated that Land Management has given their clearance or had provided a letter or a clearance attesting to the compliance of zoning. i don't believe that to be accurate. i believe they sent a letter, and i have it in front of me here, putting the ball back in GEPA's court, saying GEPA needs to make that determination...wether be application permit that's being applied for fits within the M1 zone if not than it has to go to GLUC so i don't know if GEPA has made that determination and if you're ready to answer that, i think we'll take it...	Guam EPA acknowledges your comment.	Oral
5/12/14	3	Senator Dennis Rodriquez	That's good to hear because i'm of that same opinion. And so i think Land Management needs to make that decision and eventually the Guam Land Use Commission needs to step in and make that determination so that's good development that i hear. But basically i would like to share with the board my objection to the permit that's been brought before Guam EPA. There are several issues, of course the one that i just mentioned as the zoning, that's a big question that needs to be addressed by the proper authorities, right? The other of course just like Mayor June Blas has indicated is the health and safety aspect of this proposed facility. When you look back at the intent of the legislature they rezoned this. i believe it's the 21st legislature that first attempted to rezone this property. However there were some technical changes that needs to be made and so eventually it was amended in the 22nd Guam Legislature and it was clearly for use of...for light industrial use from Agriculture to light industrial use which is for warehouse facilities and for light industrial use and clearly what is being proposed here is (fixed for mechanical) of an M2 which is heavy industrial so i would...i stand with the residence of barrigada and with the residence of dededo as well. We heard that this lies within the northern aquifer and so there's homes in the area, there's businesses in the area that would be greatly affected with it. i'm not against to or i'm not getting rid of these soil that needs to be gone... that's why the people, the clients that wants thes soil to be remediated are there to insure that the people that are in the surrounding areas need to be protected. And so that's why i support that but this type of activity should not be in a light industrial zone, it should be in the heavy industrial zone which is M2 and so, you know, if it comes before the GLUC, i will be there too as well and make sure that i testify also. And so i suggest...i urge the board to deny and to please accept my testimony and enter it into the record. Thank you	Guam EPA acknowledges your comment.	Oral
5/12/14	4	Marvin Aguilar, DLM Chief Planner	i'm the Guam Chief Planner from the Department of Land Management and My name is Marvin Aguilar and we are responding to Guam EPA's letter and i'm hoping it's not going to be a series of letters going back and forth but clearly it appears to be an issue regarding zoning. And we do Senator have copies of our comments we made regarding the application submitted before the Guam EPA folks here and the bottom line is, if it ever to come up to an industrial activity, we're basically saying yes you can do it but you need to secure and i think this really needs to be clear, you need to secure certain caveats or addressing caveats to protect the public. And that basically is what we are saying. Now wether its going to be a ball bouncing back and forth regardless of the case, i think that its a... maybe a misunderstanding of definitions. Clearly our laws are very old...1958. EPA's laws are since...somebody help me here, 1974 and there is a...there was a great evolution and change in land uses addressing certain environmental issues that led to the creation of the Guam EPA or the federal EPA for that matter. Wether our zoning law has been acclimated to address how EPA regulates these certain types of activities, i can't answer that but we do have these laws and these laws are in place and therefore, that's how we responded to the request..basically simple and this activity or an industrial type activity occur on M1 zone. The information on this activity, or the information on this activity start to progress and people got more in depth with or starting to get an in depth of what Green Clover is all about and to be honest with you i still don't understand you know, the extent of bioremediation activities that they're presenting let alone using bacteria...i mean in that respect. But if EPA can step in and say this can be taken care of or we can insure that the appropriate measures of mitigation can be achieved than the public is protected. i'm not a specialist in that respect, EPA is. Thank you.	Guam EPA acknowledges your comment.	Oral

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5/12/14	5	Mr. James Castro, Member Barrigada Municipal Planning Committee	For the record i'm James Castro, i'm a member of the Barrigada Municipal Planning Council and i've been tasked to represent the council's resolution that was adopted on May 6 at a regular scheduled meeting opposing the application of Green Clover, requesting that Guam EPA deny their permit. Mr. Chairman, back in April, Mayor Blas and i prepared testimonies and submitted that to your agency. Subsequently, we've written two letters requesting for copies of the presentation made to your agency during the commenting period, to date at this moment, we have not received any. is there any immediate picture..any comment date that we can be looking forward to?	Administrator Palacios' response: Yes so Mr. Castro. Actually Mr. Gutierrez has copied everything on to a disc. We weren't able to disseminate it prior to tonight's meeting but everything is available for your and anyone else to pick up after this meeting tonight.	Oral
5/12/14	6	Mr. James Castro, Member Barrigada Municipal Planning Committee	I'm just wondering if this is an attitude of Guam EPA whether we have to come and ask or make second, third, or fourth request on the same something matter that affects the livelihood of the residents of Bello Road, Barrigada Heights and the area in Barrigada? Because right now, in my opinion and the opinion of the Municipal Planning Council of Barrigada, this meeting are the first meeting, the announcements don't (hold water?) you conducted an illegal meeting once again by not informing the general public and we are here to state that and we've state that so in a resolution presented to you and received by your desk for review by the board. At this time we would just like to conclude by saying that the members of Barrigada Municipal Planning Council together with the residents of Barrigada, Mr. Lutz from LP Untalan over at Tiyan, the soon to be DOE personnel offices that would be moving from Agana to Tiyan, the opening of the Tiyan High School, Guam EPA and other government offices as well as private request that the permit application for Green Clover be denied by Guam EPA. Thank you.	Guam EPA acknowledges your comment. Guam EPA announced the public hearing notice in the Pacific Daily News on April 28, 2014 and on K57 radio station on May 07, 2014 at 8:18A.M., May 08, 2014 at 7:49A.M., and May 09, 2014 at 7:17A.M.	Oral
5/12/14	7	Lynn Baker	Thank you to the member of the board of GEPA for allowing me to speak if you will. My name is Lynn Baker, for the record. i'm the residence of 205 Bello Road. i live in a compound members of a big family about seven of us. i have ten grand children, one great, four children. Our residence, i'll say is about a hundred fifty yards away from the proposed facility plan. What i just don't yet understand is that, i just can't see our children, cause they're out there playing in the yard and know for the fact that there's a facility plant may brought some toxic air and all that. So i objectly oppose this. i ask the member of the board, urge to deny the permit. Thank you.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	8	Tim Theisen	My name is Tim Theisen, i'm the consultant with Bill Frazier and i would address some of the comments made by Mayor Blas and i respect everybody's concern but there's a lot of misconception that i've heard through all the comments. Probably the biggest one is everyone's all worried about PCBs. Seems to be the big buzz word. it is my understanding that Green Clover Environmental would never be allowed to process PCBs because under Guam laws it is considered a hazardous waste, am i not correct? At any level? i think i read that law. You have three compounds that are listed. Arsenic, PCBs, and some kind of gas, is that correct? At any level?	Administrator Palacios' response: I'm not certain with this at any level but generally you're correct.	Oral
5/12/14	9	Tim Theisen	I mean there's only three chemicals listed so...		Oral
5/12/14	10	James Castro	Are we about to open up a debate where it was stated earlier that you know statement would be made but...	Gutierrez's response: No we're not having a debate. We're just letting people air their comments out and so if you'd like to speak towards... it's not a debate	Oral
5/12/14	11	James Castro	I'm just asking because that's apparently what this is leading to...	Gutierrez's response: No, he's just making his comments	Oral
5/12/14	12	Tim Theisen	I'm just making a comment on how this facility is going to operate	Gutierrez's response: Umm..no, actually PCBs can be remediated and they have been remediated on Guam and the last one that was done was at Building Three Thousand Nine (3009) in the naval base and it was done through a thermal desorption unit by a company called ECC. And so they can be remediated as long as they're remediated properly.	Oral

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5/12/14	13	Tim Theisen	Ok..so in all likelihood, PCB are not going to be something done at Green Clover Environmental. Second, everything is going to be done inside the facility. The permit was submitted with optional areas outside, it was not accepted by EPA cause it's not under lease. The optional storage area was not in this draft permit so there's no work outside. And if you can keep talking about the permit application but the actual draft permit as it reads does not allow any outside work. i mean so there would never be stockpiles outside, there'll never be dirt outside, there'll never be any crushing outside, there'll never be any work outside so there'll never be dust outside. Everything will be within the facility walls. And this facility was chosen because it offers a maximum protection to the people of Guam. I mean most remediation facilities are not done inside an enclosed warehouse. Green Clover went the extra step and found a warehouse that was tall enough to allow trucks to come inside and dump and thick enough floor to protect the groundwater from anything leaching out of the soil into the facility. Completely bermed doorways which if there was any liquid spill, which serves no liquid use in the process other than water, it can not leave the facility and get into the storm water. The facility withheld or withstood two typhoons so the facility was chosen cause it offers maximum protection from every other. And as far as the zoning goes, we've looked at another M2 zone, the M2 zone we looked at is closer to some of your houses than our facility. i mean i can throw a soft ball from here, i can hit a golf ball from an M2 zone we looked at to the bakery. So i mean the whole thing is going to be enclosed. We offer no risk to the public. As far as odor goes, if there is any odor generate, we wouldn't be able to work inside that building. We would never take soil that had odors that would generate air contaminants that wouldn't allow people to work inside. And we estimate at least 75% of our work to be done at a clients site. We're looking at approximately 1200 to 1500 cubic yards a year which translate to about 25 total operating hours a year. Twenty five hours a year that there will be equipment operating in that warehouse. Constitutes maybe 1 truck every 2 days. This is not a daily operation. There's not enough hazardous waste on Guam to operate this facility on a daily basis. i mean i don't know if Eric would answer me but there is another facility, and that i'm guessing they took under 2000 cubic yards from 2013 ? so this isn't a daily operation. This is 25 hours a year. Those are my comments.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	14	Glen Makepeace	Good evening and thank you for the opportunity to speak. For the record, my name is Glen Makepeace and i own a home just down from the facility or the proposed facility in Bello Road. But i also own 3 properties right on the hill on the Dededo side so either way it will be on my backyard, my front yard, maybe in my living room. So i just want to go ahead and take this opportunity to express my opposition to the location. i do not oppose progress but i do oppose something that will be operating right next to where i reside. There is, as a matter of fact, international distributors which is a plant that distributes food products right in this vicinity with this facility to be located in _____. i ask, you know, that you take into consideration that very little water is safe enough for drinking in our island. We are blessed that we have fresh water in Guam more than the surrounding islands and we don't take any measures to protect it you know, than we may have to be importing our drinking water. So i do want to take this opportunity again to express my opposition. Thank you.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	15	Joe Estevez	Good evening ladies and gentlemen. My name is Joe Estevez and i work for a company called Buena Vista Environmental. Let me get with Mr. Thiesen as far as PCB. PCB is a toxic waste and by law there's only two ways you can get rid of them. One is by incineration and the other one is through an approved PCB landfill in the United States. There's no if, ands, or buts in there. Now Mr. Thiesen is talking about the warehouse being safe and secure, there's no liquid. if you get a chance to look at Green Clover Environmental's webpage or Earthwork, if you look at the chemicals it says household chemicals. it's fine, we can use a gallon of bleach, it's not a problem but when you're dealing with a 55 gallon drums, and i'm not sure how much they're gonna be using. Those are all liquid. You have sodium silicate right there, that's very corrosive and another one is a common chemical, it says Ester phosphoric acid, you got Ethylene glycol, so you know on their application, its got one area to store all that waste, i mean all that chemical, its not a waste yet. But what happens if you have a mixed acid and alkaline if something should happen? You're going to create an explosion, probably. So i don't know how much material are you guys are gonna be using there. i know it's proprietary information but under the law, the community needs to know what kind of chemical, under the EPCRA, what kind of chemical you have, you're storing in that area. The same as the hotels, all these others they have, the Navy, they have to inform the community. Hey we have this much inventory. Sodium Silicate, that's a TSCA waste, i mean its under the TSCA listing too. That's the main concern. i admit they are our competitors and i don't mind competition but lets do it right. i have empty property down in Agat. 7acres. i'll let them use it but the problem is up there, if you use all those chemicals and you say there's no liquid chemicals, those are all liquid chemicals. The acid spills, it's gonna tear a hole right into the tin and then inside is concrete but outside is asphalt so that thing spills outside its gonna eat all that asphalt go right into the inlet storm drain. That's what im saying. i'm happy to work with them, come on down, lets be neighbors. All i'm asking is lets do this right. We're all for progress. Thank you.	Guam EPA acknowledges your comment and will take them into consideration.	Oral

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5/12/14	16	Fred Horecky	Good evening Chairman Perron, Commissioner board member Sanchez, and Board member Carera. My name is Fred Horecky and i'm testifying tonight as the owner of Buena Vista Environmental, LLC. As Mr. Estevez indicated we are competitors with Green Clover. And it's not for that reason that i'm here. i believe in competition, it's the American way. But i do believe that any facility undertaking this kind of activity has to be located in the right zone and this facility clearly is not. To clarify the earlier point, Mr. Aguilar's letter did not say in any matter that Green Clover's application was in compliance with the zoning laws. What it said was that there's an open issue that Mr. Aguilar wanted the Guam EPA to determine and that issue is whether this site is appropriate Green Clover site for a conditional use. And to determine whether a conditional use is appropriate, it must be decided whether this industrial use not objectionable, obnoxious or offensive for reason of odor, dust, smoke, noise, gas fumes, cinder, vibration, flashing lights, or water carried waste. So no matter if Land Management approved this information, it said that you as board members have to make that determination. And my message to you would be, directors, i don't believe you have the authority to make that determination. You are not the right Guam Land Use Commission. it is only the Guam Land Use Commission that can determine this conditional use. Now if you look at the permitted zoning for M1, there's probably 12 uses permitted. Green Clover doesn't fall within any of them. But then the provision which i just cited, the conditional use says that if a determination is made that none of those matters apply that it's obnoxious, objectionable, etc. than a conditional use can be approved. But who approves a conditional use? is it the GEPA board of directors? By law, it is clearly the Guam Land Use Commission that must determine what constitutes a conditional use. And i submit to you that only the Guam Land Use commission is authorized by law to determine the applicant, Green Clover's proposed use is a conditional use for M1 light industrial. And to cite the law 21GCA Section 6103 conditional use. By the way, this is our zoning law. it's not an EPA law or the solid waste permit law. And what it says is that in addition to the permitted uses in each of the zones, specified uses are permitted upon approval by the commission, that's the GLUC. So i truly believe that for you to even consider this application at present would be illegal because you are not authorized or empowered to determine whether this conditional use is appropriate. Now Mr. Thiesen kind of (hoo-hoo-ed?) the M2 zone, but that's the only place that Green Clover can operate their facility unless the GLUC approves this conditional use. Now by the way, the GLUC would consider a number of factors, for example, what's the impact from the adjoining land owners, what's the impact of health, safety, and welfare of the community.	Guam EPA acknowledges your comment.	Oral
5/12/14		Fred Horecky	I think if you review the zoning law and the Title 21, you'll really see that it's the GLUC that must address this issue. And even Mr. Aguilar, although we don't think he was correct in suggesting that you should undertake that function, he recognized that no permit could be issued here unless the determination was first made that this use is not objectionable, obnoxious, or offensive for the reasons that i've already indicate. Even he said that. Even say no, it's fine go ahead and approve it. He said first, you have to see its approved use. So it would therefore now be illegal for the permit to be issued to Green Clover because they simply aren't authorized to undertake a soil remediation facility on M1 property. it's as simple as that. illegal on ? level with that specific approval for that conditional use. So this issue than should go to GLUC, i want to say preliminary, there's alot of testimonies suggesting that this use is objectionable. Concerns raised about health, dust, gas fumes, and i think those are valid but the fact is, again it is the GLUC that should determine that.	Guam EPA acknowledges your comment.	Oral

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5/12/14	17	Fred Horecky	<p>Now on these soil issue, think of this, the first project i believe, the Green Clover is considering to transport approximately 7000 cubic yards of soil from naval, the naval base up to Barrigada Heights. We estimate that's gonna take at least 500 dumptruck loads. So you're gonna have dump trucks going up and down the road, alegata street, bello road and to say that this isn't gonna have any impact on that community. Look at this community, our facility is located away from any residences. Out in the boon dogs of Agat. Right next to us is Hawaiian Rock cement plant but this plan that they're proposing, you saw that area, it is right in the middle of houses, schools, churches, the Chinese temple, Jesus Church, residence. Barrigada heights is a very unusual area because of the zoning. Alot of it is M1 but the problem is that it's a very mixed use area. You got residences, you got non industrial businesses, like the bakery, and that's why its really not appropriate to have this type of facility located there in the midst of all these residential and non industrial activity. Now the odors of oil, they find their ___ i don't know if you've smelled the contaminated soil, that is oil contaminated soil. it is very smelly. Now i've had the pleasure of one too many occasions and that smell is going to be emminating from the trucks, when it's taken in to the facility. And think about the dust, i've mentioned the trucks. We heard tonight that there will be no activities outside, but that's half way through their application but also when they're transporting the material and putting it on the ground there's a possiblility that fugitive dust can escape. i carefully read all their application. Even their environmental plan admits that fugitive dust is a problem that it will be created when the trucks go up to the facility. if there are soil remediated outside, it could create further fugitive dust and when the clean soil is taken out of the facility, again, transport, open soil, dump trucks, that can lead to additional fugitive dust. They have stated right in their half a page mechanical screening and crushing equipment, loading and unloading soil from trucks, and feeding the METS processing system might result in creation upon desireable dust particles. So there really is a possiblity of alot of dust occurring from this facility, yet again i don't believe that you as directors are the ones who should decide that issue. i mean you need to take evidence, you need to have a full hearing as to what are the health impacts, what are the dust impacts, the odor impacts under the law and finally there's new waste. Even on their application they admit the noise level would be that of a residential generator, now i have a neighbor with a generator and i can tell you i can hear it alot but apparantly this plant which would be operating from 7a.m. to 4p.m. will have a noise, sound approaching that of a generator running all the time. And if you have houses right across the street, i bet you quite frankly, some upset community and disruption there. So these are all problems and issues that can't be rightfully decided... We need to have a full hearing befor the Guam Land Use Commission.</p>	Guam EPA acknowledges your comment.	Oral
5/12/14	18	Fred Horecky	<p>Now i do have to say, this may be the lawyer in me, but there has been a few procedural error in these proceedings. The administrator did send out the notice for public comments, that was back in February, but the notice was not, best of my knowledge, published or put over broadcasting station. it was published on the PDN or the Marianas Variety but there was never a broadcast notice and that is contrary to 10 GCA 51104 d(1) that states that the notice of the intent to award a solid waste permit must be published in the newspaper and broadcast over a local radio station or stations. That is the notice of the Agency's intent to issue a permit...so that that wasn't done. And honestly i think this proceedings should not have, although as admirable to give the public a chance to testify and voice their opposition, its not what's written on the law. if you look at the law, your law, this is 10GCA section 5104 d(2), it says that when the agency receives notice of opposition to the permit from affected parties, substantially affected parties, it must provide for a hearing in accordance with the administrative adjudication law. Now if you proceed, alot of statements, i had the opportunity to read some of them, there are many opposition from people who's houses are right next door to Land owners right next door, these are clearly substantially affected parties. That's means the Administrative Adjudication Law apply, but under the Administrative adjudication law, the Agency must issue a statement of the issues that the respondent, that is the Green Clover ? give evidence and response to, in addition you're supposed to give specific notice to every party that has appeard in the proceedings. Now i know that there are alot of very specific testimonies by individuals but they weren't called, their phone numbers were on the information, their addresses but all they could have learned, the only thing they could have learned about this hearing was through a notice on the newspaper. And that is just not adequate. if you are really gonna make a determination, about the noise, how it affects the residence, the health, the dirt produced by the plant, you need to make sure that everybody has an opportunity. Now it's for that reason that the Guam Land Use Commission is so appropriate. When they have a hearing, you know what they do to determine a conditional use? They send out a notice to everyone within 500 feet of the proposed facility. The next door neighbor, Mr. Shedd's house accross the street, Mr. Baker's ? , everybody within this certain area with a specific notice of the proceedings, and that's why this is so much more appropriately determined before the Guam Land Use Commissions because it has a procedure and a process for determining whether conditional land use should be granted or not.</p>	Guam EPA acknowledges your comment.	Oral
5/12/14	19	Fred Horecky	<p>So, as i would like to conclude, i think the appropriate course for you to take or the agency to take is to say wait a minute, we can't approve this permit because there's not an appropriate zoning approved right now. We have to refer it back to the GLUC and then the GLUC will determine under the law whether there's an appropriate conditional use. That would be the appropriate process for addressing this and the only fair process to the residents of Barrigada. So again, in concluding, thank you for conducting this hearing and i do respectfully request that you refer this matter to the Guam Land Use Commission. Thank you.</p>	Guam EPA acknowledges your comment.	Oral

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5/12/14	20	Joseph San Nicolas	Thank you sir. i am the council member for dededo and i'm also a resident of that area within the 500 kilometer, and right down by the Saint Paul. But anyway, anything that deals with hazardous, i am a surviving Vietnam Veteran and i've been exposed to all kinds of hazards. i've seen alot of things happen here in the island from the military. A lot of projects that the AF have seen and found PCBs from everywhere...in fact they're still working on some right now. The military has dumped alot of hazardous materials around here. So why do we want to accept another one of yours right here in the residential area? This is a hefsa??? You know, a representative from land management spoke about the land use was in an industrial zone area but you have to work together with EPA and say hey this is really a heavy industrial area that this individuals are gonna bring in. All the statement that was made by Mayor Blas and Mr. Horecky right now explaining about all these hazardous materials. i am against it. And we should do the proper study and like Mr. Horecky said send it back to the industrial area. i'm asking EPA and all the government agencies that if in the future anything that comes up in this side of the request for permit or request for them to be approved, we have to stop this and send it out to proper site, not anywhere because there was a spot zoning that was approved previous years like what the senator was talking about. Most spot zoning created alot of problems. And i'm a retired fire chief also and i know of alot that has happened in those situation, places, the government, does not deny because the spot zoning was made by so and so. But that has happened in the island. But this was spot zoned but was it heavy industrial zone? it's not. And we have to think about all those contaminations that are gonna be brought in and be processed. Now i don't care what type of protection they've got. The military have always stated that they had alot of protection but what happened? They contaminate us. And this thing right now is their contamination and all the other military installations so why do we need to continue to accept something like this. i'm against it period. Thank you.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	21	Jay Shedd	i'm Jay Shedd and i live 60 yards maybe right across the street from the proposed facility. Thank you very much for having this hearing. i'm a residence and i'm very concerned about the welfare of my children more than anything. i have two young boys ages 8 and 11 and i have a grandson that's 3 and i have a grandson that's on the way in august, two daughters, my wife and my two dogs. And we are right there in the line of the wind that blows across from my front yard to my back yard and if there's any dust whatsoever we would be breathing it in and i'm very worried about that and i think i have a very good right to be worried about that. if it weren't for that chemistry field i used worked in one of the research center in ? california, years ago a chemistry major in college and i understand that PCB, Arsenic and all the effects of these chemicals can cause on people over the long term, not in short term but over in long term. So maybe i'll die of something else but i don't want all my kids dying before me so all these things, all these residents that live in this area are extremely concerned and there's no way to haul dirt and not create dust. Even dumping the dirt into the proposed facility, you open up a lid and you're gonna dump it there, there's gonna be dust and it's impossible that there won't be. And i don't want to breath that in. So please, you can do what Fred said and turn it over to the Land Use Commission or you could just deny it but i would appreciate it if you deny this application as soon as possible. Thank you very much.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	22	Frank Sanchez	Good evening everybody my name is Frank Sanchez and while sitting here, im not a chemist, but i saw a lot of comments here, positive by the group that wants the permit and negative by the other competitor and you said a lot of good things that i wanted to say but you said it more concise. i live there, my family lives there. i own property there and quite honestly when i hear what's going on and i travel quite a bit, when i came back and i heard what was happening of course i wanted to join the band wagon oppose this facility being built there. i'm not opposed with competitors coming in, with people coming in, the entrepraneurs cause i'm an entrepreneur myself. And i appreciate the fact that you opened your doors, i don't even know you but i know the attorney because i've been around. But the mere fact that you put it there, you have water, a lot of wind cause it's up high, you have the airport, you have the schools as they mentioned, alot of good things were mentioned of why you shouldn't approve it. And as far as i'm concerned, i support the non-approval. Not the business. i myself do soil stabilization and the thing is when it comes to dust when youre moving dirt, i can tell you about dirt. They may say it doesn't fly if the wind doesn't hit it, but i'm sure you could agree with me that it does so no matter what. Unless you make sure the vehicles are enclosed. if, just if, that particular soil were less contaminated with the worse type of chemical and for some reason that it actually was removed, the people here would be affected. All the homes, the children, i don't want that to happen. But the one thing here i did not hear tonight, i have a very expensive home and i want to keep the market that way. But do you think i'll keep the market that way if they're gonna build a facility there? it's gonna effect the entire area. if i sell my place, who's gonna buy my house for a million bucks? it will depreciate. More so we have the airport. My goodness everybody knows that one flight crashed in the area. We hope that will never happen. But we can't tell, we have planes going back and forth. And just the thrust of their engines and all will screw things up. You know you can laugh about it but quite honestly hey i'm involved in alot of those kind of things. i'm an expert but when it comes to soils, when it comes to moving soils, when it comes to stabilizing soils, i could tell you how its done. And to me, i agree with it. Build it elswhere where it's not gonna affect families, health, and welfare of everybody in that area. i'm not saying don't come in and get a business license and compete. Hey competition brings prices down. But please, all i'm saying is do not approve it. Even GLUC, i will not let them approve it. Not there when you have so many areas where you don't have a flight line, where you don't have a traffic, where you don't have a congestion, where you don't have water tables that are gonna be affected. Again i thank you for your time and i appreciate you allowing me on the last minute to come in and say a few words. And good luck to your endeavor but please relocate it elsewhere. Thank you.	Guam EPA acknowledges your comment and will take them into consideration.	Oral

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
5/12/14	23	Lynn Baker (again)	I just want to add in to my last statement. We're located, situated right up on the hill so we're getting this north breeze. Just think about it, there's a basketball and my grandchildren are playing out in the playground. We're not taking any chances folks. I'm sorry.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
5/12/14	24	Ron Brewster	Hi everybody im Ron Brewster. And if you look at this map, i currently reside in 203 bello road. You see there's an orange building about the size of the building that's being proposed for that site, i live across the street from that building with my two years old little girl, seven years old little boy, and my nine year old dog? Our driveway is across the street from that building. Now i was a 5 year FAT mechanic for the navy and i was on three carriers. Now the carriers are about a quarter mile long. This building is closer to my house than one end of the carrier to the other. When i was in the navy, furthermore, as an FAT mechanic, we seen a lot. We have a fourteen day inspection on all aircraft. We would have to wash an aircraft essentially every fourteen days. Every aircraft in the navy is washed, fourteen days. When we wash an aircraft, we would wash with something called a Torca? And its what gets the stuff off the plane and if we wanted to get done and go drink some beers, you wanna wash planes with torca because it gets the stuff off and you cant go until its done. When one of my friend got out of the military and moved to a local town in Hamphord, California and we were stationed in New York, we would talk and he said to me one night and he said remember that stuff torca that we used to was the aircraft with, do you even understand what we had to wear to process that stuff out? This stuff was like in my eye, my mouth my face, the Navy doesn't care. And i saw my medical record, you see i got out of the military in ninety three and i saw something in my medical records and i said something happened to me down the road cause these things doesn't happen over night, they happen over time. And they may not even understand what happened to you. Now i understand that there's all these precautions, right? Now with the military, they do some paperwork, they mislabel some barrels and it comes to where is the assurance that something like that won't happen? The reassurance is not having it in a place where they're proposing to put it. That's reassurance. Because have you ever drove by a garbage truck and seen all that stuff coming out of it. You see this thing is on my driveway, essentially. You can assure me but it's like in the military where the assurance is very small to me. That's all i have to say.	Guam EPA acknowledges your comment and will take them into consideration.	Oral
4/4/14	1	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning	Upon information and belief, the Administrator of Guam Environmental Protection Agency ("GEPA") did not broadcast over a local radio station or stations notice of the Agency's intention to issue a Solid Waste Permit to Green Clover Environmental, LLC ("GCE") as required by 10 GCA §51104(d)(1). No Solid Waste Management Permit may be issued by the Administrator until notice of the Agency's intention to issue such a solid waste permit is broadcast over a local radio station or stations. The Public Notice herein was defective and invalid.	Guam EPA agrees with and acknowledges your comment. Advertisement for a Public Notice was published on February 20, 2014 with the Marianas Variety, which commenced the 45 day-public comment period for the proposed issuance of the permit. There was no broadcast over a local radio station.	Written
4/4/14	2	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	Oppositioners oppose the issuance of a Solid Waste Permit to Applicant GCE. No permit can be issued to GCE unless a public hearing is first conducted by GEPA in accordance with the Administrative Adjudication Law. Oppositioners are entitled to a public hearing in accordance with the Administrative Adjudication Law, and it is not a matter of discretion with GEPA. 10 GCA §51104(d)(2) states: "if, within forty-five (45) days after publication and broadcast, the Agency receives written notice of opposition to the Agency's intention to issue such permit and a request for a hearing is made the Agency shall provide for a hearing in accordance with the Administrative Adjudication Law, if requested by a substantially affected party or an informal public meeting if requested by any other person. (Emphasis added). Oppositioners are parties substantially affected by this Permit Application. Oppositioners demand that GEPA conduct a hearing in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9.	A Public Hearing was conducted on May 12, 2014 at the Mangilao Community Center, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, as requested by the oppositioners.	Written
4/4/14	3	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	It would be illegal for the Guam Environmental Protection Agency to allow Green Clover Environmental, LLC to construct and operate a soil bioremediation facility on the lot proposed, Lot No. 5224-7-1, 280 Bello Road, Barrigada, Guam 96913. The Lot upon which Applicant intends to construct and operate its facility is zoned as Light industrial ("M-1"). Marvin G. Aguilar, Guam Chief Planner of Department of Land Management, indicated that Guam EPA must first determine whether Applicant's proposed industrial uses are objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights or water-carried waste. (21 GCA §61309(b)(1). No Solid Waste Permit could in any event be issued to Applicant's until GEPA makes such a determination. A copy of Mr. Aguilar's letter is attached hereto as Exhibit "1."	Guam EPA acknowledges your comment.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
4/4/14	4	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	<p>However, Oppositioners herein do not agree with the letter of the Guam Chief Planner.</p> <p>Applicant GCE cannot use Lot No. 5224-7-1 at all for a solid waste bioremediation facility unless such Conditional Use is approved by the Territorial Land Use Commission of Guam. It is the TLUC, and not Guam EPA, which is responsible for determining whether Applicant GCE may use the proposed lot for a "conditional use." 21 GCA §61309(a) states the "Use Permitted" for any M1 Light industrial Zone property such as the property that Applicant proposes to use. None of the uses permitted under 21 GCA §61309(a) apply to the uses which Applicant GCE seeks to have approved by the Guam EPA. 21 GCA §61309(b) refers to "Conditional Use" or an M1 Light industrial Zone. Said section provides as follows:</p> <p>"(b) Conditional Use.</p> <p>(1) Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.</p> <p>(2) Utilities and public facilities.</p> <p>(3) Accessory uses and buildings for the above." (Emphasis added).</p> <p>It is not the Guam Environmental Protection Agency, but the Guam Territorial Land Use Commission, which must approve any "Conditional Use" of Lot No. 5224-7-1. 21 GCA §61303, Conditional Use, Paragraph (a) provides: "in addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission of the Site Plan..." The Act defines "Commission" as the Territorial Land Use Commission of Guam. In this matter, it is clear that all Surrounding Property Owners are entitled to specific notice of Applicant GCE's intent to use Lot No. 5224-7-1 for a "Conditional Use." The applicable statutory framework requires a public hearing notice to affected residents, and approval by the TLUC, before GCE can be permitted to use said lot for a conditional use. It is only just that all affected surrounding property owners have notice and opportunity to contest GCE's proposed conditional use. Unless and until Applicant GCE secures approval from the Territorial Land Use Commission of Guam, the Guam Environmental Protection Agency must deny its permit. Applicable statutory procedures for approval of Conditional Use are set forth in 21 GCA §61303 et. seq., are attached hereto as Exhibit "2". A Public hearing is required before any determination is made by Guam EPA that Applicant GCE's use of the lot in Barrigada is proper or appropriate.</p>	Guam EPA acknowledges your comment.	Written
4/4/14	5	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	<p>There are a number of hazards presented by Applicant's facility to the residents of Barrigada. Green Clover Environmental intends to bring thousands of metric cubic yards of contaminated soil from military bases and other areas of Guam and deposit and stockpile them in Barrigada Village. GCE will permit 1,250 cubic yards of petroleum contaminated soil, Polychlorinated Biphenyls (PCBs), pesticides, and metals at the facility in Barrigada per day of operation. Stockpiled contaminants can present obnoxious foul smelling odors. Odors stemming from contaminated soil can vary depending on the degree of contamination. Typically such soil gives off a strong odor of diesel and oil. In large quantities or with close proximity to the stockpile, the odor is stronger and can be carried with the wind.</p>	<p>The permit application identifies an area of 10,000 square feet of warehouse to be used. According to the application, the remaining proposed optional areas mentioned are not a part of the current Lease Agreement with the property owner. Thus, the facility operations reflected in the draft permit is limited to a specified area. This proposed permitted area, consists of a warehouse, which is enclosed, that will be used to store and process non-hazardous contaminated soil. Furthermore, no storage or processing activities outside the warehouse is allowed per the Lease Agreement, which is reflected in the draft permit.</p>	Written
4/4/14	6	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	<p>GCE's Application and "Dust Control Plan" admits that dust will be created by the facility. GCE indicates that the crushing process for cobbles, rocks, and boulders will create dust, and that such crushing will take place outside the covered facility. After cleaning of soil, there will be storage of "permitted stockpiling area." It is also likely that the transport of soil to and from the site will cause obnoxious dust. The Residents of Barrigada have a right to a hearing at which they may present testimony as to whether the dust which would be caused by this facility is "objectionable, offensive, or obnoxious."</p>	<p>Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.</p>	Written
4/4/14	7	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	<p>GCE also admits that the process may produce incidental dust as a result of the lifting and dumping of soil into the hopper. "The soil is particularly dry." This problem is referred to as "fugitive dust."</p>	<p>See Guam EPA's Response #6.</p>	Written

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4/4/14	8	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	The Permit Application states that Green Clover will be processing PCBs, Pesticides, VOC's and Metal. PCBs are hazardous wastes. PCBs can be carried long distances and have been found in areas far away from where they have been released to the environment. PCBs have been demonstrated to cause cancer as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system. Primarily, this carcinogen affects the liver and increases the risk of liver cancer. Studies show that the second most significant finding is the negative effect on newborns when ingested by pregnant women. Pesticides can also cause health problems. GCE indicates that it will only receive "non-hazardous waste"; however, the only way to determine whether contaminants such as PCB are in a hazardous concentration is through analytical lab testing. GCE will not do such testing before the receipt of material. At the facility. After the receipt of such material at the facility, the contamination level could constitute hazardous waste. If such material is received at the facility, it could be labeled as "non-hazardous waste" to save money on disposal costs as opposed to shipping the waste off-island for proper disposal.	As stated in Operations Plan (Section 5.1) Pre-Transport Procedures: Prior to accepting any material at the facility, GCE will require the client to provide a detailed waste characterization of the soil on a form provided by the facility so it can be determine if: 1) The material can be legally processed under their existing Solid Waste Permit, and (2) The contaminants can be effectively treated to the levels required by the client. In addition, as part of its responsibilities, Guam EPA will conduct inspections of the facility, inclusive of document reviews, to ensure compliance with permit conditions.	Written
4/4/14	9	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	There are a number of defects and deficiencies in GCE's plan: A. The Lease Agreement presented by GCE for the facility site states, in Section 5.05, that there will be no PCBs and hazardous materials. However, the Permit Application states that Green Clover will be processing PCBs, Pesticides, VOC's and Metal. B. The Operation Plan indicates that the decontamination area will have contaminated water flowing into the storm water inlet as depicted in the operation plan and information provided by Duenas, Camacho and Associates. This area is above the water aquifer. C. GCE will use chemicals and microbes which could lead to a potential industrial spill. Oppositioners submit that GCE should require approval for the use of such Microbes and chemicals from the Guam Department of Agriculture or the United States Department of Agriculture. D. GCE's plan does not indicate what chemical reagents or biological products GCE will use at the facility, or what products will be used as cultured microbes. At present we do not know what chemical and biological products GCE intends to use. The specific products to be used should be specified in the application and before any final review or approval of the application E. GCE also admits that the facility will cause noise "comparable to a medium-sized gasoline generator." This noise could cause a nuisance in this residential area; affected citizens must have the opportunity at a public hearing to testify as to whether such noise is objectionable. F. Only the most general accident prevention, health and safety, and environmental protection plans have been presented. Applicant states that "the following facilities specific plans will be developed and maintained at the facility," and that "prior to starting operations at the facility a detailed Accident Prevention (APP) Health and Safety Plan (HASP) will be developed and implemented." These plans should be developed and in place before Applicant's permit is reviewed or approved by GEPA. G. The Application is not even clear as to what products will be used in the "METS process" proposed by Earthworks Environmental. There is only a statement that "what is used in a given project is determined from an analysis of the contaminant, or combination of contaminants in the soil, and from analysis of the soil composition, moisture content, pH, etc." Again, Applicant must define exactly what chemical and biological products it intends to use at a facility prior to review or approval of the Permit Application. H. 22 GAR 20106 provides that the duration of any Permit is for two years. (The Solid Waste Disposal Regulations). However, GCE's Permit Certificate and Permit indicate that Permit would be valid through April 25, 2019. Even where a Permit is granted, it can only be granted for two years, and must be renewed thereafter.	Guam EPA acknowledges your comments and will take them into consideration. For clarification, please note that Section 5.05 further states that any processing of the PCBs, pesticides, VOCs and metal must be conducted in full compliance with applicable federal or territorial laws, ordinances, rules and regulations. The Facility has applied for a permit with conditions in which it must be operated in accordance with Guam Solid and Hazardous Waste Rules and Regulations. B. Section 1.1.1 Current Construction of the Environmenatal Protection Plan and Section 2.2.1 of the Operations Plan specifically state that "there are no drains or openings in the floor which would allow treated soil or liquids to migrate out of the building." C. The bioremediation chemicals that the Facility will be using are approved for use by the United States Environmental Protection Agency (USEPA). D. The facility has claimed proprietary information on the chemicals used in the remediation process. E. Guam EPA acknowledges your comments and will take them into consideration. F. Guam EPA does not approve Accident Prevention (APP) Health and Safety Plans (HASP) under the Guam Solid Waste Rules and Regulations. However, businesses are required to meet applicable OSHA standards for their operations. G. Please see Guam EPA's Response in C and D above. H. The permit duration for permanent bioremediation is 5 years. Please refer to Title 22, Guam Administrative Rules and Regulations (GARR), Chapter 23, Guam Solid Waste Rules and Regulations, Addendum B, 5(c)(1)(b).	Written
4/4/14	10	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council and Village Residents	In conclusion, the proposed Solid Waste Remediation Facility does not meet zoning requirements as an M-1 Facility. Due to the potential nature of this proposed operation, it should only be authorized on an M2 zone, (Heavy industrial Area), far from residential areas. The residents of the Bello Road, Barrigada Heights, Harmon Area, and Mendioka Street, as well as the Airport, may be heavily impacted by this proposed operation, more specifically, the potentially foul odor of Total Petroleum Hydrocarbon Waste, PCB and Pesticide dust that might linger around the residential area, and dust and noise pollution. The M-1 zoning does not take into account truckloads of foul smelling, potentially hazardous contaminated waste moving in and out of the area and around the facility. The potential industrial spill of Microbes and Chemicals that will be utilized as per the permit application must not be ignored and we must take into account the potential impact to local residents in the event of an industrial accident such as a fire or a natural disaster, and environmental impact of our aquifer.	Guam EPA acknowledges your comment.	Written
3/25/14	11	Jay R. Shedd, President & CEO Docomo Pacific	My family and i live less than 100 yards away from this proposed location. The waste that this company wants to bring in to our neighborhood is contaminated with toxins that could cause serious illness to the many people that live and work in the surrounding area. Where we live is a very breezy area and these winds would bring these highly toxic,volatile contaminants into my yard and my home. i'm in fear that my children, grandchild and future grandchildren could begin to experience unexplained illnesses due to these hazardous substances.	Guam EPA acknowledges with your comment and will take them into consideration.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
3/25/14	12	Jay R. Shedd, President & CEO Docomo Pacific	The neighborhood is zoned M1which allows for light industrial and residential use. This kind of business should be kept away from all residences and therefore should only be allowed in an "industrial only" or M2 zoned area (or kept off of Guam completely). Why won't the soil be treated where it lies today? is it because,as i have heard, that the military doesn't want it near its soldiers either?	Guam EPA acknowledges with your comment and will take it into consideration.	Written
3/25/14	13	Jay R. Shedd, President & CEO Docomo Pacific	The fact that Green Clover has not spoken with any of the residents in the area and has tried to sneak this by through just a small ad in the Marianas Variety makes their intentions seem very suspicious. i have talked to my neighbors and have read the petition from the Barrigada Mayors Office and it seems as if no one wants this kind of facility here.	Guam EPA acknowledges your comment and will take them into consideration.	Written
3/25/14	14	Jay R. Shedd, President & CEO Docomo Pacific	From Wikipedia on the subject of Health Effects of Contaminated Soil: "Contaminated or polluted soil directly affects human health through direct contact with soil or via inhalation of soil contaminants which have vaporized; potentially greater threats are posed by the infiltration of soil contamination into groundwater aquifers used for human consumption, sometimes in areas apparently far removed from any apparent source of above ground contamination. Health consequences from exposure to soil contamination vary greatly depending on pollutant type, pathway of attack and vulnerability of the exposed population. Chronic exposure to chromium, lead and other metals, petroleum, solvents, and many pesticide and herbicide formulations can be carcinogenic, can cause congenital disorders, or can cause other chronic health conditions. industrial or man-made concentrations of naturally occurring substances, such as nitrate and ammonia associated with livestock manure from agricultural operations, have also been identified as health hazards in soil and groundwater.[3] Chronic exposure to benzene at sufficient concentrations is known to be associated with higher incidence of leukemia. Mercury and cyclodienes are known to induce higher incidences of kidney damage, some irreversible. PCBs and cyclodienes are linked to liver toxicity. Organophosphates and carbomates can induce a chain of responses leading to neuromuscular blockage. Many chlorinated solvents induce liver changes, kidney changes and depression of the central nervous system. There is an entire spectrum of further health effects such as headache, nausea, fatigue, eye irritation and skin rash for the above cited and other chemicals. At sufficient dosages a large number of soil contaminants can cause death by exposure via direct contact, inhalation or ingestion of contaminants in groundwater contaminated through soil.[4]" I ask that you review your EPA website and read about the hazards of Benzene, Diesel and other petroleum products, PCB's, Pesticides, metals and VOC's and the health effects they can cause. As an advocate for the people of Guam,i'm counting on the EPA to protect us from this potentially harmful business coming to our area.	Guam EPA acknowledges your comment and will take them into consideration.	Written
4/7/14	15	Anthony Henry Oftana, General Manager Guam Bakery	We produce and distribute baked goods and food products. We are concerned that the presence of a facility with contaminated soil so close to our business will have a negative impact on our quality of life and that of our customers. The facility presents potential health risks to us. We will be subject to continuous odors and possible harm to the quality of our food products. We are concerned that Green Clover is applying for a permit to store PCBs, a cancer causing agent.	Guam EPA acknowledges your comment and will take them into consideration.	Written
4/7/14	16	Anthony Henry Oftana, General Manager Guam Bakery	The presence of such a facility close to our business will likely bring congestion to the roads in our area, making it more difficult to do business. This company will bring many trucks onto our roads carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. We simply feel that EPA should not approve such a facility in an area where residents live in their homes and approved businesses operate. Oily soil could give off a strong odor. This facility will cause the presence of an odor in our daily lives.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	17	Anthony Henry Oftana, General Manager Guam Bakery	Green Clover wants to bring contaminated soil from military bases and other areas of Guam and place and store them on Bello Road. This soil could include PCBs and pesticides. PCBs can cause cancer. No permit should be given. This facility will produce odor, dust, smoke, noise, and fumes. Such a use of land in our village is not proper. The Guam Territorial land Use Commission should review this matter. The use of the property for this purpose will also reduce the value of our property. We believe that the GTLUC must review and approve the proposed use,of the property before any permit can be considered.	Guam EPA acknowledges your comment. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	18	Residents of the #'s 179,177, and 181, Bello Road in Barrigada, Guam	if this company will operate in our neighborhood it will cause dust, smoke, strong odors, oily soil, fumes and noise pollution. it will certainly affect our health and our environment. We are greatly concerned about the health and well being of our families and all others residing in and near this area. EPA should not approve such a facility in an area where residents live.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	19	Jesse Mafnas Katherine Mafnas	We have children and grandchildren and we are very concerned with this company processing contaminated soil, especially PCB in a residential area. Please think of all the people in our area that might be affected. Think of all the children who will be playing outside and might be inhaling dangerous chemicals or PCB in the air. We do not know what other contaminated soil this company will be trying to clean.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	20	Jesse Mafnas Katherine Mafnas	The presence of such a facility in a residential neighborhood will negatively affect the quality of life of residents and businesses in the area. This company will bring many trucks onto the community's roads carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	21	Don I. Weakley Jr. General Manager and all Fence Master Fmnliveas	Our business is located in close proximity to the proposed facility. The presence of such a facility close to our business will negatively affect our quality of life and will likely bring congestion to the roads in our area, making it more difficult to do business. This company will bring many trucks onto our roads carrying soiland contaminants.	Guam EPA acknowledges your comment and will take it into consideration.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
4/7/14	22	Don I. Weakley Jr. General Manager and all Fence Master Employees	The operations of this facility will cause dust and gaseous fumes. EPA should not approve such a facility in an area where residents live in their homes and licensed businesses operate. Oily soil could give off a strong odor. This facility will cause the presence of an odor in our daily lives.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	23	Don I. Weakley Jr. General Manager and all Fence Master Employees	Green Clover wants to bring contaminated soil from military bases and other areas of Guam and place and store them on Bello Road. This soil could include PCBs and pesticides. PCBs can cause cancer. No permit should be given.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	24	Don I. Weakley Jr. General Manager and all Fence Master Employees	This facility will produce odor, dust, and noise. Such a use of land in our village is not proper.	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	25	Don I. Weakley Jr. General Manager and all Fence Master Employees	The Guam Territorial land Use Commission should review this matter. The use of the property for this purpose will also reduce the value of our property. We believe that the GTLUC must approve the proposed use of the property before any permit can be considered.	Guam EPA acknowledges your comment.	Written
4/7/14	26	Su Ching Huang	I am the owner of lot 7-1,Blk. 2, Tract 148, approximately 2,300 square meters, which is located approximately 30 meters from a proposed soil bioremediation facility that Green Clover Environmental intends to build. Right next to the proposed contaminated soil facility is a lot previously owned by Dr. Sagisi's family. My lot is right next to Dr. Sagisi's lot.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	27	Su Ching Huang	I am opposed to the building of any such facility in our residential area. I believe that it would be illegal for Guam EPA to issue a solid waste permit for such a facility. The Guam Territorial land Use Commission has not approved Green Clover's use of the land for this purpose. Green Clover can only use the land for that purpose if it is first approved by the Guam TLUC	Guam EPA acknowledges your comment.	Written
4/7/14	28	Su Ching Huang	Green Clover's use of the facility for contaminated soil is detrimental because it will cause odor, dust, noise, and gas fumes.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	29	Su Ching Huang	I am concerned about the odor caused by contaminated soil that my family and i will be subjected to. The presence of a facility right next to our land may well be detrimental to our health. i don't understand why Green Clover is applying for a permit to store PCBs at the facility. PCBs can cause cancer.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	30	Su Ching Huang	The trucks bringing soil into our area will cause congestion and dust. I am heartbroken about this because i had intended to build a home for myself and my children on my lot. if Guam EPA allows this contaminated soil facility to be built,that will ruin my plans to build a home. Also, the value of my property will be damaged and reduced because of having such a facility there.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	31	Su Ching Huang	This is a busy area with churches/temples and residential houses,and commercial businesses all around the proposed soil facility. it is just not right that this kind of a plant would be built right in the middle of such a busy area. A facility which poses these kinds of risks should be put in a more isolated, secluded area.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	32	Miao Du	The Chinese Temple is located very close to the proposed facility. i am concerned that Facility will not benefit our members. The presence of a facility with contaminated soil so close to our Temple will negatively affect the quality of life of our members and the Buddhist priests.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	33	Miao Du	The facility presents potential health risks to us. We will be subject to odors from contaminated soil. We are concerned that Green Clover is applying for a permit to store PCBs, a cancer causing agent.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	34	Miao Du	Green Clover wants to bring contaminated soil and store it on Bello Road. The presence of the facility close to our Temple may bring congestion to the roads in our area, making it more difficult for our members to attend ceremonies and functions.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	35	Miao Du	This company will bring many trucks carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. Guam EPA should not approve such a facility in an area where our Temple is located. This soil could include PCBs and pesticides. PCBs can cause cancer.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written

Date	Comme nt No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
4/7/14	36	Miao Du	Such a use of land close to our Temple is not proper. Green Clover cannot use the proposed property for this purpose unless the use is approved by the Guam Territorial Land Use Commission. GTLUC must review and approve the proposed use of the property before any permit can be considered.	Guam EPA acknowledges and your comment.	Written
4/7/14	37	Fong Wu	Sunny Plastics leases property, Lot 5224-6-R4, which is located very close to the proposed facility. Sunny Plastics uses that lot as a storage facility for its equipment. We are concerned that the presence of a facility with contaminated soil so close to our operations will negatively affect our quality of life. The facility presents potential health risks to our employees. We will be subject to odors from contaminated soil. We are concerned that Green Clover is applying for a permit to store PCBs, a cancer causing agent.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/4/14	38	Fong Wu	Green Clover wants to bring contaminated soil and store it on Bello Road. The presence of the facility close to our business may bring congestion to the roads in our area, making it more difficult to do business.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	39	Fong Wu	This company will bring many trucks carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. Guam EPA should not approve such a facility in an area where residents live in their homes and businesses operate. This soil could include PCBs and pesticides. PCBs can cause cancer.	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	40	Fong Wu	Such a use of land in our village is not proper. We believe that Green Clover cannot use the proposed property for this purpose unless the use is approved by the Guam Territorial Land Use Commission. The use of the property for this purpose may reduce the value of our property. We believe that the GTLUC must review and approve the proposed use of the property before any permit can be considered. We are against the issuance of a Solid Waste Permit to Green Clover. We ask that EPA conduct a public hearing. We oppose the building of the facility in Barrigada Heights. We request that you provide us with a public hearing.	Guam EPA acknowledges and your comment.	Written
4/7/14	41	List of Guam Residents who signed a petition in favor of this Facility	I've researched the vast information provided by Green Clover Environmental and their soil remediation plan and found that they intend to utilize the Matrix Enhanced Treatment System (METS) TM to perform the needed remediation of soils. Having researched further,i've found the METS soil remediation system is a safe and environmentally friendly method to destroy or permanently neutralize contaminates ultimately rendering the soil clean for future use. <u>Key words here: Future Use!</u>	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	42	List of Guam Residents who signed a petition in favor of this Facility	We the citizens of Guam petition the Guam Environmental Protection Agency to approve the soil remediation permit to Green Clover Environmental, LLC. We approve the addition of an environmentally friendly facility that will treat the non-hazardous soil present on the island. We agree that the facility will be beneficial to the island without posing any additional threat to either human health or the environment. By signing this petition we acknowledge that we are fully aware of the processes and procedures which will be performed at this facility. We hope that the Guam Environmental Protection Agency concurs with our position.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	43	Dennis and Vivian Larsen	My wife and I and family live at 407 Boman St. Barrigada Guam,96913. We are located approximately 250 yards away from a proposed soil bioremediation facility that Green Clover Environmental intends to build. Not only do we have our residence there;we are the proprietors of two businesses on the property: Cloud K-9 Groom & Board,a facility which cares for and boards dogs;and a dog Crematory.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	44	Dennis and Vivian Larsen	We are adamantly opposed to the building of any such facility in our residential area. Guam EPA should not issue any solid waste permit for such a facility. To begin with,it would be illegal for Guam EPA to issue any permit to Green Clover unless the Guam Territorial Land Use Commission approves a "conditional use." it is our understanding that Green Clover is not permitted to build such a facility on M1 zoned property unless the Guam TLUC first determines that use of the property for bioremediation is "not objectionable,obnoxious or offensive by reason of odor,dust,smoke,noise,gas fumes,...or water carried waste." Guam EPA should not even consider this permit application unless Green Clover first obtains approval from the Guam Territorial Land Use Commission.	Guam EPA acknowledges your comment.	Written
4/7/14	45	Dennis and Vivian Larsen	Green Clover must be required to prove that its proposed use ofthe property will not cause odor,dust, noise or gas fumes. From Clover's permit application, it appears that all ofthose problems will be caused by its facility. Oil contaminated soil can have a strong odor. The presence of a facility with contaminated soil so close to our home and businesses will be detrimental to our health.The facility may cause health risks to us. it greatly concerns us that Green Clover is applying for a permit to store PCBs,a cancer causing agent. it is Green Clover's obligation to prove that it will not be endangering our health.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	46	Dennis and Vivian Larsen	Also, we are concerned about the health and wellbeing of the animals at Cloud K9. There may be even more of a threat to animals than humans,as animals' perceptions and senses are more acute than those of humans. The trucks bringing soil into our area will cause congestion on the roads and likely a considerable amount of dust. EPA should not approve such a facility in an area where residents live in their homes and our businesses operate. Such a business is more appropriate in an area where there are no homes and other heavy industrial businesses operate.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	47	Siva Subramaniam Owner /President UMS Equipment Rental	I am the Owner and President of UMS Heavy Equipment Rental, a business located at 200 Alageta Street, Barrigada, Guam. i and our employees understand that a Company, Green Clover, applied for a Solid Waste Permit with the Guam Environmental Protection Agency. It wants to build a "Bioremediation facility" in the area where our business is located. Our business is located in close proximity to the proposed facility.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	48	Siva Subramaniam Owner /President UMS Equipment Rental	UMS Heavy Equipment Rental conducts its rental equipment business from its Barrigada Facility. We are concerned that the presence of a facility with contaminated soil so close to our operations will have a negative impact on our quality of life. The facility presents potential health risks to us. We will be subject to continuous odors. We are concerned that Green Clover is applying for a permit to store PCBs, a cancer causing agent.	Guam EPA acknowledges your comment and will take it into consideration.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
4/7/14	49	Siva Subramaniam Owner /President UMS Equipment Rental	The presence of such a facility close to our business will likely bring congestion to the roads in our area, making it more difficult to do business. This company will bring many trucks onto our roads carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. We simply feel that EPA should not approve such a facility in an area where residents live in their homes and licensed businesses operate. Oily soil could give off a strong odor. This facility will cause the presence of an odor in our daily lives.	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	50	Siva Subramaniam Owner /President UMS Equipment Rental	Green Clover wants to bring contaminated soil from military bases and other areas of Guam and place and store them on Bello Road. This soil could include PCBs and pesticides. PCBs can cause cancer. No permit should be given. This facility will produce odor, dust, smoke, and noise. Such a use of land in our village is not proper. The Guam Territorial land Use Commission should review this matter. The use of the property for this purpose will also reduce the value of our property. We believe that the GTLUC must review and approve the proposed use of the property before any permit can be considered.	Guam EPA acknowledges your comment.	Written
4/7/14	51	DENNIS G. RODRIGUEZ, Jr	As Chairman of the Committee on Health & Human Services, I wish to raise my concerns as to the application submitted by Green Clover Environmental, LLC (GCE), relative to their seeking Guam EPA approval for Solid Waste Management Processing and Storage permits for proposed operations on Lot #5224-7-1, Barrigada, situated along Bello Road. For the record, I am OPPOSED to the Guam EPA approval of the requested permits for the location identified.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	52	DENNIS G. RODRIGUEZ, Jr	Several issues pertaining to this application, and the proposed operations in an area containing residential housing units, alongside a current mix of commercial utilization limited light industrial operations, raises serious concerns. The consideration of this application must also duly reflect that the proposed site is over an aquifer, a limited fragile resource requiring sound regulatory protections and management. One of the first issues I wish to raise pertains to appropriate zoning. The proposed site, Lot #5224-7-1, Barrigada, is zoned M-1 Light industrial Zone. I find it somewhat of a stretch of interpretation to accept that the use of this M-1 zoned lot for the proposed	Guam EPA acknowledges your comment.	Written
4/7/14	53	DENNIS G. RODRIGUEZ, Jr	Let's be absolutely clear as to what we are discussing here in the consideration of the GCE application; the processing and storage of chemically contaminated materials. Regardless of whether one is to split hairs as to the fine lines between a clearly designated hazardous waste based upon the determining level or measurement of contamination, as provided pursuant to the Resource Conservation and Recovery Act (RCRA), or the same contaminant at a lower level of contamination which is less stringently regulated, you still would not want to have you or your family exposed to it. Nor would we want our precious aquifer and other natural resources jeopardized. This is contaminated material that either the military wants removed, or it's from some other source who wants it removed. The point being, they want it gone; and for the very reason that it presents a danger to the health and wellbeing of those they are tasked to ensure are not so endangered. This is a serious matter not to be simply categorized and dismissed as a not-in-my-back-yard reaction. It is for due cause that so many are strongly raising their objections.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	54	DENNIS G. RODRIGUEZ, Jr	The volume and storage issues are another matter of serious concern; volume versus - inside capacity / outside capacity. The application proffers the reassurance that the contaminated material, of varying contaminated types, will be quickly moved inside the containment/treatment building. However, in Section 2.3 Optional Screening, Crushing and Decontamination Area, it states, that, "GCE intends on constructing an optional area to the north side of the primary treatment and storage building (see Figure Cl) to be used to screen and crush material if it is not possible to perform this work at the clients site prior to transport, or space is not available inside the GCE building. GCE will construct a berm around this area and install a sump to trap water from within the bermed area. Any soil received within this area will be immediately screened, crushed and moved inside the building for treatment. ..." [Emphasis added]. How is it that this outside storage area will only be utilized when no inside space is available, then, in the same section, it simultaneously states that they will immediately process it and move it inside? From the outset, it is apparent that GCE intends to establish a significant outside screening and crushing processing areas. It also raises the physics' conundrum as to how you would move it into an inside processing space which is already occupied. Volume, transport and contaminated materials management is another matter. Section 2.2.2 Storage Capacity, states, that "the primary treatment and storage facility has the capacity to process and store approximately 1,250 cubic yards of soil at any given time. The optional storage area has capacity to store an additional 1,250 cubic yards of treated soil." [Emphasis added]. The huge potential volume of contaminated material to be stored outside, 1,250 cubic yards, is the equivalent of 69.4 dump truck loads at 18 cu. yds. per truck. Anyone who moves soil knows that the dust generated by this volume of material would be significant. But keep in mind that this is to be contaminated material, not safe topsoil. The concerns as to airborne contaminated dust would pertain to delivery by dump truck, as well as any outside processing or storage activities. Even short term outside storage would be subject to the risk of airborne contaminants reaching adjacent neighborhoods.	GCE will not be allowed to store contaminated soil outside of the warehouse as per the draft permit conditions.	Written
4/7/14	55	DENNIS G. RODRIGUEZ, Jr	Safe transport and public exposure from inadequately secured contaminated materials is another serious consideration. It affects both island residents upon Guam's roads, generally, as well as the Bello Road residents, specifically and in higher accumulated rates of exposure, at the end-point for the delivery of the contaminated material at the proposed GCE site. Section 5.2Transport to Treatment Facility, states, that, "The GCE permanent facility will be a receiving facility only. Clients will be responsible for the legal transport of contaminated soil to our facility at which point we will accept the waste for treatment and final disposal as clean soil. Upon arrival at the GCE permanent facility, clients will be required to provide us with documentation describing the type and quantity of waste as well as the origin." [Emphasis added]	Any transportation of non-hazardous contaminated soil must be done by a permitted solid waste transporter. All solid waste transporters are required to abide by their permit conditions to ensure the safe transport of solid waste.	Written
4/7/14	56	DENNIS G. RODRIGUEZ, Jr	Also at issue here is the apparent intent to utilize dump trucks as a means of transport and delivery. However, we are well aware that dump trucks, even with a dust cover, still discharge dust. Additionally, the tailgate of these trucks leak dirt, gravel, sand and other fine aggregate materials they may carry. But this is to be contaminated material. And, this is not easily mitigated by simply adding water to help confine and retain the particulate matter from being blown from the cargo bed. How then, do you contain the water within the confines of the dump truck?	Guam EPA will ensure that there is an approved transport plan to mitigate these factors, including the use of super sacks, additional cover and the non-transport of material during inclement weather.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
4/7/14	57	DENNIS G. RODRIGUEZ, Jr	Inclement weather and the impact of typhoons are regular occurrences for an island in the so- called "Typhoon-Belt". Section 9.2 Typhoon Event, provides, that, "[i]n the event of a typhoon and upon declaration of Condition Readiness 3, the following measures will be taken to secure the facility: 1. All normal operations will cease; 2. Any equipment which is outside the enclosed treatment and storage building will be immediately moved inside; 3. Any loose items which might be outside the building will be moved inside; ...". [Emphasis added] in the event the 'optional storage area' if full, how and where does GCE intend to secure the contaminated material? I would reiterate my comments and concerns relative to storage and Section 2.2.2 of the GCE plan, above. Certainly, the loose contaminated materials would pose a daunting challenge to GCE to secure it to such a level of safety so as to absolutely guarantee the safety of the residents and other inhabitants of Bello Road. One cannot simply say that a typhoon is an act of God challenge we all face, especially when the additional danger posed, in this instance, would be directly due to the presence of contaminated materials which would not otherwise be there if not for the proposed facility. This is clearly a public health and safety issue pertaining to an incompatible heavy industrial activity being proposed within a residential and light industrial area.	GCE will not be allowed to store non-hazardous contaminated soil outside of the warehouse as per the draft permit conditions.	Written
4/7/14	58	DENNIS G. RODRIGUEZ, Jr	The final consideration i would raise is found in the promotional write-up provided by Earthworks Environmental, inc., relative to its METS system. in it, they claim, "METS is a major breakthrough in the science of remediating contaminated soils. . . . Most of these predecessor technologies have significant limitations or deficiencies. METS overcomes these limitations and deficiencies to a degree no other commercially available remediation system can match. ...". [Emphasis added]. They point out the predecessor technologies purported shortcomings.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	59	DENNIS G. RODRIGUEZ, Jr	Further on, they purport, "... in the METS process, the contaminants are either destroyed or rendered environmentally inert (by chemical bonding or degradation). Even better, the method by which the reagents are introduced to the contamination produces results more quickly than other methods. in particular, biological treatment is capable of producing desired results in days, not months." As with most any promotional brochure, it often sounds quite well and good. However, the technical processes, chemicals and/or biological agents utilized are all proprietary information, and are not available to our community in which they wish to apply it. We have but their assurance that they have in fact built a better mouse trap. And, in the event the proposed activities negatively impact the health of our citizenry, or leave our community with an environmental situation requiring mitigation, it is we who shall bear the burden.	The chemicals that Green Clover Environmental (GCE) will be using are approved for use by the United States Environmental Protection Agency (USEPA). GCE claims proprietary information in regards to the type of chemicals used in the remediation process. Guam EPA will ensure that only the approved chemical or biological agents will be utilized.	Written
4/7/14	60	DENNIS G. RODRIGUEZ, Jr	What also moved me to raise this consideration are the apparently contradictory representations by GCE representatives, versus the specific details of the permit application, as evidenced on the April 04, 2014 edition of the Pacific News Center news broadcast covering the proposed facility and requested permits. A printout of the story from the PNC website is attached, hereto, and i would encourage you to view the video coverage, as well. it is disconcerting in that the statements appear to run contrary to the actual details of the application, and do not paint a clear picture as to what is actually being sought in the GCE application.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	61	DENNIS G. RODRIGUEZ, Jr	Guam EPA's careful consideration and attention to the concerns being raised, to include a clarification of the issues pertaining to zoning, would be greatly appreciated by area residents adjacent to the proposed site, islanders generally, and my office.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	62	Jackie S. Castro, Senior Manager #293 Bello Road Barrigada, Guam 96913 (671)649-5681/82	i am the Senior Manager of LAGU SANiTATiON, a business located at 293 Bello Road, Barrigada, Guam. i and our employees understand that a Company, Green Clover, applied for a Solid Waste Permit with the Guam Environmental Protection Agency. it wants to build a "Bioremediation facility" in the area where our business is located. Our business is located directly adjacent to the proposed facility. LAGU SANiTATiON is a licensed commercial trash hauler and conducts its operations from its Barrigada Facility. We are concerned that the presence of a facility with contaminated soil so close to our base of operations will have a negative impact on our quality of life. The facility presents potential health risks to us. We will be subject to continuous odors. We are concerned that Green Clover is applying for a permit to store PCBs, a cancer causing agent.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	63	Jackie S. Castro, Senior Manager #293 Bello Road Barrigada, Guam 96913 (671)649-5681/82	The presence of such a facility close to our business will likely bring congestion to the roads in our area, making it more difficult to do business. This company will bring many trucks onto our roads carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. We simply feel that EPA should not approve such a facility in an area where residents live in their homes and licensed businesses operate. Oily soil could give off a strong odor. This facility will cause the presence of an odor in our daily lives.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	64	Jackie S. Castro, Senior Manager #293 Bello Road Barrigada, Guam 96913 (671)649-5681/82	Green Clover wants to bring contaminated soil from military bases and other areas of Guam and place and store them on Bello Road. This soil could include PCBs and pesticides. PCBs can cause cancer. No permit should be given. This facility will produce odor, dust, smoke, and noise. Such a use of land in our village is not proper. The Guam Territorial land Use Commission should review this matter. The use of the property for this purpose will also reduce the value of our property. We believe that the GTLUC must review and approve the proposed use of the property before any permit can be considered.	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	65	Residents of Alegeta Road, Dededo	The presence of such a facility in our neighborhood will negatively affect our quality of life. This company will bring many trucks onto our roads carrying soil and contaminants. The operations of this facility will cause dust, smoke, and gaseous fumes. We simply feel that EPA should not approve such a facility in an area where residents live in their homes. Oily soil could give off a strong odor. This facility will cause the presence of an odor in our daily lives.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
4/4/14	66	Residents of Alegeta Road, Dededo	Green Clover wants to bring contaminated soil from military bases and other areas of Guam and place and store them on Bello Road. This soil could include PCBs and pesticides. PCBs can cause cancer. No permit should be given. This facility will produce odor, dust, smoke, and noise. Such a use of land in our village is not proper.	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
4/7/14	67	Residents of Alegeta Road, Dededo	The Guam Territorial Land Use Commission should review this matter. The use of the property for this purpose will also reduce the value of our property.	Guam EPA acknowledges your comment and will take it into consideration.	Written
4/7/14	68	Residents of Alegeta Road, Dededo	We are against the issuance of a Solid Waste Permit to Applicant GCE. We ask that EPA conduct a public hearing. We have a right to give our reasons why the facility should not be built in Barrigada Heights. Please provide us with a public hearing.	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
4/7/14	69	James P. Castro Member, and Barrigada Municipal Planning Council	At the outset, I oppose Guam EPA's intention to issue a Solid waste Permit to Green Clover Environmental, LLC; and more importantly, I am here to request that Guam EPA deny the permit. The Administrator of Guam EPA did not broadcast over a local radio station or print media notices of the Agency's intention to issue a Solid Waste Permit to Green Clover Environmental. This is required by law. Specifically, §51104(d)(i) of iO GCA "§51104. Permits. (d) Before issuing a solid waste management permit to any person with respect to any facility for the processing, storage or disposal of solid waste, the Administrator shall: (i) Cause to be published in a major local newspaper or newspaper of general circulation, and broadcast over a local radio station or stations, notice of the Agency's intention to issue such a permit." The Public Notice issued back then was defective and invalid as well as the Public Notice for this meeting.	Guam EPA agrees with and acknowledges your comment. Advertisement for a Public Notice was published on February 20, 2014 with the Marianas Variety, which commenced the 45 day-public comment period for the proposed issuance of the permit. There was no broadcast over a local radio station.	Written
5/12/14	70	James P. Castro Member, and Barrigada Municipal Planning Council	Mr. Chairman, members of the Municipal Planning Council have reviewed the Application and find that there are a number of defects and deficiencies in their plan: I. The Lease Agreement presented by the Applicant for the facility site states, in Section 5.05, that there will be no PCBs and hazardous materials. However, the Permit Application states that Green Clover will be processing PCBs, Pesticides, VOC's and Metal.	Guam EPA acknowledges your comments and will take them into consideration. For clarification, please note that Section 5.05 further states that any processing of the PCBs, pesticides, VOCs and metal must be conducted in full compliance with applicable federal or territorial laws, ordinances, rules and regulations. The Facility has applied for a permit with conditions in which it must be operated in accordance with Guam solid and hazardous waste rules and regulations.	Written
5/12/14	71	James P. Castro Member, and Barrigada Municipal Planning Council	The Operation Plan indicates that the decontamination area will have contaminated water flowing into the storm water inlet as depicted in the operation plan and information provided by Duenas, Camacho and Associates. Mr. Chairman, member of the Board, This area is above the water aquifer.	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	72	James P. Castro Member, and Barrigada Municipal Planning Council	The Applicant, Green Clover Environmental will use chemicals and microbes which could lead to a potential industrial spill. That is why we submit that the Applicant should require approval for the use of such Microbes and chemicals from the Guam Department of Agriculture or the United States Department of Agriculture.	The chemicals that Green Clover Environmental (GCE) will be using are approved for use by the United States Environmental Protection Agency (USEPA). GCE claims proprietary information in regards to the type of chemicals used in the remediation process. Guam EPA will ensure that only the approved chemical or biological agents will be utilized.	Written
5/12/14	73	James P. Castro Member, and Barrigada Municipal Planning Council	The Applicant's plan does not indicate what chemical reagents or biological products Green Clover Environmental will use at the facility, or what products will be used as cultured microbes. At present we do not know what chemical and biological products the Applicant intends to use. Mr. Chairman, it is our belief that the specific products to be used, should be specified in the application and before any final review or approval of the application.	The chemicals that Green Clover Environmental (GCE) will be using are approved for use by the United States Environmental Protection Agency (USEPA). GCE claims proprietary information in regards to the type of chemicals used in the remediation process. Guam EPA will ensure that only the approved chemical or biological agents will be utilized.	Written
5/12/14	74	James P. Castro Member, and Barrigada Municipal Planning Council	The Applicant, Mr. Chairman, also admits that the facility will cause noise "comparable to a medium-sized gasoline generator." This noise could cause a nuisance in this residential area; affected citizens must have the opportunity at a public hearing to testify as to whether such noise is objectionable.	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	75	James P. Castro Member, and Barrigada Municipal Planning Council	Only the most general accident prevention, health and safety, and environmental protection plans have been presented. The Applicant states that "the following facilities specific plans will be developed and maintained at the facility," and that "prior to starting operations at the facility a detailed Accident Prevention (APP) Health and Safety Plan (HASP) will be developed and implemented." Mr. Chairman, these plans should be developed and in place even before Applicant's permit is reviewed or approved by Guam EPA.	Guam EPA does not approve Accident Prevention (APP) Health and Safety Plans (HASP) under the Guam Solid Waste Rules and Regulations. However, businesses are required to meet applicable OSHA standards for their operations.	Written
5/12/14	76	James P. Castro Member, and Barrigada Municipal Planning Council	The Application is not even clear as to what products will be used in the "METS process" proposed by Earthworks Environmental. There is only a statement that "what is used in a given project is determined from an analysis of the contaminant, or combination of contaminants in the soil, and from analysis of the soil composition, moisture content, pH, etc." Once again Mr. Chairman, it is our belief that the Applicant must define exactly what chemical and biological products it intends to use at a facility prior to review or approval of the Permit Application.	The chemicals that Green Clover Environmental (GCE) will be using are approved for use by the United States Environmental Protection Agency (USEPA). GCE claims proprietary information in regards to the type of chemicals used in the remediation process. Guam EPA will ensure that only the approved chemical or biological agents will be utilized.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
5/12/14	77	James P. Castro Member, and Barrigada Municipal Planning Council	§20106, Chapter 20 of 22 Guam Administrative Rules - Guam Environmental, Division iV, Solid Waste Regulations, provides that the duration of any Permit is for two years. (The Solid Waste Disposal Regulations). However, the Applicant's Permit Certificate and Permit indicate that Permit would be valid through April 25, 2019. Even where a Permit is granted, it can only be granted for two years, and must be renewed thereafter. Mr., Chairman, Members of the Board, for your information and record, §20106, Chapter 20 of 22 Guam Administrative Rules - Guam Environmental, Division iV, Solid Waste Regulations, reads: "§20106. Same: Duration of Permit. The Administrator shall grant a permit for two (2) years following the date of issuance and upon application may renew a permit."	The permit duration for permanent bioremediation is 5 years. Please refer to Title 22, Guam Administrative Rules and Regulations (GARR), Chapter 23, Guam Solid Waste Rules and Regulations, Addendum B, 5(c)(1)(b).	Written
5/12/14	78	James P. Castro Member, and Barrigada Municipal Planning Council	In conclusion, the Barrigada Municipal Planning Council, through the adoption of ResolutionNos. 5 and 6, "strongly Oppose Guam EPA's intention to issue a solid waste permit to Green Clover Environmental; Demand for a public hearing pursuant to the Administrative Adjudication Law, and to Request that Guam EPA deny the permit."	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
5/12/14	79	James P. Castro Member, and Barrigada Municipal Planning Council	The proposed Solid Waste Remediation Facility does not meet zoning requirements as an M-1 Facility. Due to the potential nature of this proposed operation, it should only be authorized on an M2 zone, (Heavy industrial Area), far from residential areas.	Guam EPA acknowledges your comment and will take it into consideration. The Department of Land Management and/or the Guam Land Use Commission is responsible for determining compliance with the land zoning requirements.	Written
5/12/14	80	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	As the duly elected Mayor and Vice Mayor of the village of Barrigada, together with the Members of our Municipal Planning Council, and affected members of the public from the Village of Barrigada WE STATE OUR OPPOSITION TO THE SOLID WASTE PERMIT APPLICATION. We oppose the issuance of a Solid Waste Permit to of Green Clover Environmental. No permit can be issued to Green Clover Environmental unless a public hearing is first conducted by Guam EPA in accordance with the Administrative Adjudication Law.	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
5/12/14	81	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	Those of us opposing the application are entitled to a public hearing in accordance with the Administrative Adjudication Law, and this is not a matter of discretion with Guam EPA. For the record, §51104(d)(2) of 10 Guam Code Annotated states: "if, within forty-five (45) days after publication and broadcast, the Agency receives written notice of opposition to the Agency's intention to issue such permit and a request for a hearing is made the Agency shall provide for a hearing in accordance with the Administrative Adjudication Law, if requested by a substantially affected party or an informal public meeting if requested by any other person. (Emphasis added).	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
5/12/14	82	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	More importantly, the residents of Barrigada are the parties substantially affected by this Permit Application and that is why we have requested that Guam EPA conduct a public hearing in accordance with the procedures of the Administrative Adjudication Law, [Specifically, Chapter 9 of Title 5 of the Guam Code Annotated.] it would be illegal for Guam EPA to allow Green Clover Environmental, LLC to construct and operate a soil bioremediation facility on the lot proposed, Lot No. 5224-7 1, 280 Bello Road, Barrigada.	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
5/12/14	83	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	The Lot upon which the Applicant intends to construct and operate its facility is zoned Light industrial ("M -1 "). The Guam Chief Planner of the Department of Land Management, indicated that Guam EPA must first determine whether Applicant's proposed industrial uses are objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights or water-carried waste. (21 GCA §61309(b)(1). No Solid Waste Permit could in any event be issued to the Applicant until Guam EPA makes such a determination. For your information, we do not agree with the letter of the Guam Chief Planner. Also, it is our understanding that the applicant cannot use Lot No. 5224-7-1 at all for a solid waste bioremediation facility unless such Conditional Use is approved by the Territorial Land Use Commission of Guam. it must be remembered that it is the TLUC, and not Guam EPA, which is responsible for determining whether the applicant may use the proposed lot for a "conditional use." it must be remembered that 21 GCA §61309(a) states the "Use Permitted" for any M1 Light industrial Zone property such as the property that the Applicant proposes to use. None of the uses permitted under 21 GCA §61309(a) apply to the uses which the Applicant seeks to have approved by Guam EPA. On the other hand, 21 GCA §61309(b) refers to "Conditional Use" of an M1 Light industrial Zone. Said section provides as follows: "(b) Conditional Use. (1) Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste. (2) Utilities and public facilities. (3) Accessory uses and buildings for the above."	Guam EPA acknowledges your comment and will take it into consideration. In addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
5/12/14	84	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	There are a number of hazards presented by the Applicant's facility to the residents ofBarrigada. The Applicant, Green Clover Environmental, intends to bring thousands of metric cubic yards of contaminated soil from military bases and other areas of Guam and deposit and stockpile them in Barrigada Village. Green Clover Environmental will permit 1,250 cubic yards of petroleum contaminated soil, such as PCBs, pesticides, and metals at the facility in Barrigada per day of operation. Stockpiled contaminates can present obnoxious foul smelling odors. Odors stemming from contaminated soil can vary depending on the degree of contamination. Typically such soil gives off a strong odor of diesel and oil. in large quantities or with close proximity to the stockpile, the odor is stronger and can be carried with the wind.	Guam EPA acknowledges your comment and will take it into consideration.	Written

Date	Comme nt No.	Commentor	Oral Comments/Questions	Guam EPA Repsonse	Method of comment
5/12/14	85	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	In the Green Clover Environmental Application and "Dust Control Plan" they admit that dust will be created by the facility. Green Clover Environmental indicates that the crushing process for cobbles, rocks, and boulders will create dust, and that such crushing will take place outside the covered facility. After cleaning of soil, there will be storage of "permitted stockpiling area." it is also likely that the transport of soil to and from the site will cause obnoxious dust. The Residents of Barrigada, Mr. Chairman, have a right to a hearing and that is why we are opposing said application and at the same time we present testimony as to whether the dust which would be caused by this facility is "objectionable, offensive, or obnoxious." Most interestingly, the Applicant, Green Clover Environmental, admitted that the process may produce incidental dust as a result of the lifting and dumping of soil into the hopper. "The soil is particularly dry." This problem is referred to as "fugitive dust."	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
5/12/14	86	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	The Permit Application states that Green Clover will be processing PCBs, Pesticides, VOC's (Volatile Organic Hydrocarbons) and Metal. Mr. Chairman, PCBs are hazardous wastes. PCBs can be carried long distances and have been found in areas far away from where they have been released to the environment. PCBs have been demonstrated to cause cancer as well as a variety of other adverse health effects on the immune, reproductive, nervous, and endocrine systems. Primarily, this carcinogen affects the liver and increases the risk of liver cancer.	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	87	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	As Mayor, together with the Vice Mayor, and Members of our Municipal Planning Council, WE STRONGLY OBJECT TO THE APPLiAtION OF GREEN CLOVER. in conclusion, the proposed Solid Waste Remediation Facility does not meet the zoning requirements as an M-1 Facility. Due to the potential nature of this proposed operation, it should only be authorized on an M2 zone, (Heavy industrial Area), far from residential areas. The residents of Bello Road, Barrigada Heights, Harmon Area, and Mendioka Street, as well as the Airport, more importantly, the students attending Gmihan Charter School Academy, L.P. Untalan Middle School, including Guam EPA, and other Tiyan offices will be heavily impacted by this proposed operation. Currently, the residents of Belo Road area are making complaints to our office regarding Guam EPA's approval of Lagu Sanitation for the objectionable, obnoxious or offensive odor being emitted from their operation. As an island community, we must do all we can to protect our environment and most importantly, our aquifer.	Guam EPA acknowledges your comment.	Written
5/12/14	88	Frederick J. Horecky	At present, it would be illegal for GC to operate a soil remediation facility on M-1 zoned property [i.e. light industrial]. A soil remediation facility does not fall within any of the "Uses Permitted" for M-1, Light industrial Zone [21 GCA 61309(a)]. A warehouse facility where GC plans to conduct its soil remediation may only be used for such purpose if it is properly approved as a "Conditional Use" pursuant 21 GCA 61309. That section allows a conditional use for other industrial uses. it provides: Conditional Use (1) Other industrial uses not objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water carried waste. However, it is not You, as Directors of GEPA, that have the authority under law to determine whether GC's proposed use of the facility is a "conditional use" authorized by 21 GCA 61309(e). Only the Guam Land Use Commission is authorized by law to determine that applicant GC's proposed use is a conditional use for M-1 Light industrial. 21 GCA §6103 Conditional Use: "in addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission [GLUC) of the site plan including, but not limited to, disposal of sewage, access, parking, structure location and dimensions of buildings, impact of the proposed use on adjacent land uses, and accompanying covenants that may includemperformance standards. The Commission shall also consider such other elements as may be reasonably related to the health, safety, and general welfare of the community."	Guam EPA acknowledges your comment and will take it into consideration. The Department of Land Management and/or the Guam Land Use Commission is responsible for determining compliance with the land zoning requirements.	Written
5/12/14	89	Frederick J. Horecky	Marvin Aguilar, Guam Chief Planner of the Department of Land Management, proposed that GEPA determine whether the proposed activity by Green Clover Environmental is not objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, etc. within the meaning of 21 GCA 61309(b)(1). However, no provision of law authorizes GEPA to make such determination. All conditional uses must be approved by the GLUC under the Zoning law.	Guam EPA acknowledges your comment.	Written
5/12/14	90	Frederick J. Horecky	Thus, it would simply be illegal for GEPA to determine whether GCE's use of M1 zone property was a proper or appropriate "conditional use."	Guam EPA acknowledges your comment.	Written
5/12/14	91	Frederick J. Horecky	Before GEPA can even consider approval of GCE's application, this application must be referred to the Guam Land Use Commission for a determination as to whether GC's proposed soil remediation facility can be placed on M1 zoned property as a conditional use.	Guam EPA acknowledges your comment.	Written
5/12/14	92	Frederick J. Horecky	THE GLUC MUST DETERMiNE WHETHER THE PROPOSED BY GCE OF THE PROPERTY AS A SOiLD REMEDIAtION FACiLiTy iS OBJECTIONABLE, OBNOXiOUS, OR OFFENSiVE BY REASON OF ODOR, DUST, SMOKE, NOiSE, GAS FUMES ..OR WATER-CARRiED WASTE Land Management was correct that GC's application cannot be entertained and certainly not granted until there is a lawful determination that such use is proper under 21 GCA 61309(b)(1). However, it is GLUC, and not GEPA, that is the legally authorized body to make such determination under the zoning law. GLUC must determine whether GCE's proposed use of the property is objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise gas fumes .. or water carried waste.	Guam EPA acknowledges your comment.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
5/12/14	93	Frederick J. Horecky	GCE's proposed use of the property clearly is objectionable, obnoxious, and offensive by reason of odor, dust, noise, gas fumes and possibly watercarried waste. 1) The use of the property proposed by GCE is objectionable in the minds of many residents and land owners- hundreds of residents and businesses of Barrigada have filed objections to the use of the proposed facility near a residential areal and where other business operate. it is important for the GEPA Directors to note that proposed facility is right in the midst of a residential area in Barrigada Heights- there are many residences located adjacent to the proposed warehouse facility where families live. There are non-industrial businesses and churches in the area. This is truly an area of mixed uses. it was never intended by the zoning law that this type of facility be located in an area of dense residential population. Typically, this type of facility is located in a heavy industrial area [M2 zone] far away from residences, churches and other such uses. GLUC has the expertise to address this issue of impact of the proposed use on adjacent land uses.	Guam EPA acknowledges your comment.	Written
5/12/14	94	Frederick J. Horecky	Oil contaminated soil does have unpleasant odors that will affect the residents and businesses surrounding the facility.	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	95	Frederick J. Horecky	GCE has admitted that dust control will be a problem and that undesirable dust particles will likely be created for the residents surrounding the proposed facility. GCE also admits that there are potential sources of fugitive dust from "vehicular track out, screening operations, crushing operations, and clean soil stockpiles.) To quote from GCE's ENVIRONMENTAL PROTECTION PLAN, p. 8: "Mechanical screening and crushing equipment; loading and unloading soil from trucks; and feeding the METS processing system might result in the creation of undesirable dust particles." initially, it is anticipated that GC proposes to transport approximately 7,000 cubic yards of soil from Naval base to Barrigada Heights. This may mean that over 500 dump truck loads will be transported along Alageta Street and/or Bello Road, disturbing the traffic flow and lives of the citizens of Barrigada Heights. This problem will reoccur every time soil is transported by dump truck to the facility.	Guam EPA acknowledges your comment and will take it into consideration. in addition, Guam EPA requires a Dust Control Plan be implemented once operation commences. Moreover, the operations would take place within the warehouse as stated in the Application.	Written
5/12/14	96	Frederick J. Horecky	Despite prior claims that all soil remediation will take place within the covered facility, GCE has repeatedly stated in its application documents that it intends to construct "an optional area outside the storage building" to be used to screen and crush materials. The soil received within this outside area will be screened and crushed, and then moved inside the building for treatment. Dust Control Plan, p.l. The transport, screening and crushing of materials outside the facility will also contribute to the fugitive dust problem. Material will be segregated and crushed "using a portable jaw crusher." Dust and/or small stones will be generated during the crushing process. Finally, clean soil will be removed from the storage building after the remediation process. Again this means that loose soil will be transported in dump trucks along the roads of Barrigada Heights, thus leading to an additional fugitive dust problem. Fumes will result from the oil contaminated soil. There is even the possibility that contaminated soil can be carried to nearby water production wells of GWA.	As per the draft permit conditions, no operations will take place outside of the warehouse.	Written
5/12/14	97	Frederick J. Horecky	GCE also admits that "Noise" will be caused by the soil processing machinery. it states: "the soils processing machinery, when operating, produces a noise level comparable of a medium-sized residential gasoline generator. The plant intends to operate from 7am to 7pm. Environmental Protection Plan, p.8. Noise resulting from the mechanical equipment and other plant operations will all be continuous and will likely create a disturbance in the neighborhood.	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	98	Frederick J. Horecky	THERE HAVE ALSO BEEN PROCEDURAL ERRORS BY GEPA IN THIS PROCESS THAT INVALIDATE THESE PERMIT APPLICATION PROCEEDINGS. Before GEPA can issue a solid waste management permit to any person, the Administrator is required to publish notice in a major local newspaper and broadcast over a local radio station or stations notice of the agency's intention to issue such a permit. 10 GCA 51104(d)(l). While the Administrator did cause a notice to be published in a newspaper, there was no broadcast of notice over any local radio station or stations of the agency's intention to issue such a permit, in violation of 10 GCA 51104(d).	Advertisement was published on February 20, 2014 with Marianas Variety which commenced the 45 day public notice for the issuance of the proposed permit. There was no local radio station broadcast.	Written
5/12/14	99	Frederick J. Horecky	in addition, this public hearing is not being properly conducted tonight in accordance with the Administrative Adjudication Law. Pursuant to 10 GCA 5104(d)(2) since the Agency received written notice of opposition from substantially affected parties" of GEPA's intent to issue the permit, "the Agency shall provide for a hearing in accordance with the Administrative Adjudication Law ... "	A Public Hearing, in accordance with the procedures of the Administrative Adjudication Law, 5 GCA Chapter 9, was conducted by Guam EPA on May 12, 2014 at the Mangilao Community Center, as requested by the oppositioners.	Written
5/12/14	100	Frederick J. Horecky	This "hearing" tonight substantially deviates from the requirements of the Administrative Adjudication Law: (a) No "statement of the issues" was issued by the Agency pursuant to 5 GCA 9202. Such statement must specify the statutes and regulations which respondent must show compliance with by producing proof at the hearing.	Guam EPA acknowledges your comment.	Written
5/12/14	101	Frederick J. Horecky	(b) Pursuant to 5 GCA 9216, EPA should have delivered written notice to each of the substantially affected parties that submitted testimony in opposition to the permit application. No specific notice was addressed to any of the parties who submitted written testimony in opposition. There was only a publication of notice of this hearing for tonight in PDN and Marianas Variety. No written notice was sent to the parties who submitted opposing testimony.	Guam EPA acknowledges your comment.	Written
5/12/14	102	Frederick J. Horecky	(c) Most importantly, the AAL requires that a hearing officer preside over every hearing in a contested case. The hearing officer shall be an attorney and may be an attorney in the full time service of the Government of Guam. 5 GCA 9220(a). No hearing officer has been appropriately appointed.	Guam EPA acknowledges your comment.	Written
5/12/14	103	Frederick J. Horecky	(d) The hearing officer is required to prepare a proposed decision to the Agency. it does not appear that this process has been followed. The hearing is in violation of numerous procedures of the AAL.	Guam EPA acknowledges your comment.	Written
5/12/14	104	Frederick J. Horecky	THE APPROPRIATE COURSE OF ACTION FOR THE GEPA BOARD IS TO REFER THIS MATTER TO THE GUAM LAND USE COMMISSION FOR A DETERMINATION AS TO WHETHER CONDITIONAL USE IS APPROPRIATE FOR THE PROPOSED FACILITY. A. Consideration of "conditional use" by the applicant is the process required by law and is the most appropriate process. in a conditional use hearing, there is a requirement that property owners within a radius of 500 feet of the property be given personal written notice. That is the only fair process in this case which will ensure that all of the land owners situated around the proposed facility will have a full and fair opportunity to voice their objections to this permit. That is why the Guam Land Use Commission statutory rules are so strict in ensuring that every affected party has adequate notice.	Guam EPA acknowledges your comment and will take it into consideration.	Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
5/12/14	105	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA: WHEREAS, the municipality of Barrigada, through its duly elected officials, together with Members of the Municipal Planning Council, hereby state our opposition to the Solid Waste Permit Application of Green Clover Environmental, LLC; and	Guam EPA acknowledges your comment and will take it into consideration.	Written
5/12/14	106	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, the Barrigada Municipal Planning Council has taken the position that it would be illegal for the Guam Environmental Protection Agency to allow Green Clover Environmental, LLC to construct and operate a soil bioremediation facility on Lot No. 5224-7-1, located at 280 Bello Road, Barrigada, Guam 96913; and		Written
5/12/14	107	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, the Barrigada Municipal Planning Council finds that the Lot upon which Green Clover Environmental intends to construct and operate its facility is zoned Light industrial ("M-1"); and		Written
5/12/14	108	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, in the opinion of the Barrigada Municipal Planning Council, it is not the Guam Environmental Protection Agency, but the Guam Territorial Land Use Commission, which must approve any "Conditional Use" of Lot No. 5224-7-1; a closer review of Section 61303 of 21 Guam Code Annotated CA, Paragraph (a) provides: "in addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission of the Site Plan ... " The Act defines "Commission" as the Territorial Land Use Commission of Guam; and		Written
5/12/14	109	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, in this matter, it is clear that all Surrounding Property Owners are entitled to specific notice of Applicant GCE's intent to use Lot No. 5224-7-1 for a "Conditional Use;" The Barrigada Municipal Planning Council presents that the applicable statutory framework requires a public hearing notice to affected residents, and approval by the Territorial Land Use Commission, before the Applicant, Green Clover Environmental, LLC can be permitted to use said lot for a conditional use. it is only just that all affected surrounding property owners have notice and opportunity to contest the Applicant, Green Clover Environmental, LLC's proposed conditional use; and		Written
5/12/14	110	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, there are a number of hazards presented by the Applicant's facility to the residents of Barrigada; and		Written
5/12/14	111	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, the Applicant, Green Clover Environmental intends to bring thousands of metric cubic yards of contaminated soil from military bases and other areas of Guam and deposit and stockpile them in Barrigada Village; The Applicant will permit i ,250 cubic yards of petroleum contaminated soil, Polychlorinated Biphenyls (PCBs), pesticides, and metals at the facility in Barrigada per day of operation; and		Written
5/12/14	112	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, stockpiled contaminates can present obnoxious foul smelling odors; Odors stemming from contaminated soil can vary depending on the degree of contamination; Typically such soil gives off a strong odor of diesel and oil; in large quantities or with close proximity to the stockpile, the odor is stronger and can be carried with the wind; and		Written
5/12/14	113	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, the Applicant, Green Clover Environmental admitted that the process may produce incidental dust as a result of the lifting and dumping of soil into the hopper. The soil is particularly dry; and		Written
5/12/14	114	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	WHEREAS, the Permit Application states that Green Clover will be processing PCBs, Pesticides,VOC's (Volatile Organic Hydrocarbons) and Metal; PCBs are hazardous wastes; PCBs can be carried long distances and have been found in areas far away from where they have been released to the environment; PCBs have been demonstrated to cause cancer as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system. Primarily, this carcinogen affects the liver and increases the risk of liver cancer; now, therefore, be it		Written
5/12/14	115	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	RESOLVED, after its review, the Barrigada Municipal Planning Council finds that there are a number of defects and deficiencies in the Applicant's plan: "A. The Lease Agreement presented by GCE for the facility site states, in Section 5.05, that there will be no PCBs and hazardous materials. However, the Permit Application states that Green Clover will be processing PCBs, Pesticides, VOC's and Metal.		Written
5/12/14	116	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	B. The Operation Plan indicates that the decontamination area will have contaminated water flowing into the storm water inlet as depicted in the operation plan and information provided by Duenas, Camacho and Associates. This area is above the water aquifer.		Written
5/12/14	117	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	C. GCE will use chemicals and microbes which could lead to a potential industrial spill. Oppositioners submit that GCE should require approval for the use of such Microbes and chemicals from the Guam Department of Agriculture or the United States Department of Agriculture.		Written
5/12/14	118	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	D. GCE's plan does not indicate what chemical reagents or biological products GCE will use at the facility, or what products will be used as cultured microbes. At present we do not know what chemical and biological products GCE intends to use. The specific products to be used should be specified in the application and before any final review or approval of the application		Written

Date	Comment No.	Commentor	Oral Comments/Questions	Guam EPA Response	Method of comment
5/12/14	119	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	E. GCE also admits that the facility will cause noise "comparable to a medium-sized gasoline generator." This noise could cause a nuisance in this residential area; affected citizens must have the opportunity at a public hearing to testify as to whether such noise is objectionable.		Written
5/12/14	120	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	F. Only the most general accident prevention, health and safety, and environmental protection plans have been presented. Applicant states that "the following facilities specific plans will be developed and maintained at the facility," and that "prior to starting operations at the facility a detailed Accident Prevention (APP) Health and Safety Plan (HASP) will be developed and implemented." These plans should be developed and in place before Applicant's permit is reviewed or approved by GEPA.		Written
5/12/14	121	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	G. The Application is not even clear as to what products will be used in the "METS process" proposed by Earthworks Environmental. There is only a statement that "what is used in a given project is determined from an analysis of the contaminant, or combination of contaminants in the soil, and from analysis of the soil composition, moisture content, pH, etc." Again, Applicant must define exactly what chemical and biological products it intends to use at a facility prior to review or approval of the Permit Application.		Written
5/12/14	122	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	H. 22 GAR 20106 provides that the duration of any Permit is for two years. (The Solid Waste Disposal Regulations). However, GCE's Permit Certificate and Permit indicate that Permit would be valid through April25, 2019. Even where a Permit is granted, it can only be granted for two years, and must be renewed thereafter;" and be it further		Written
5/12/14	123	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	RESOLVED, that it is the position of the Barrigada Municipal Planning Council that the proposed Solid Waste Remediation Facility does not meet zoning requirements in an M-1 Facility; Due to the potential nature of this proposed operation, the Barrigada Municipal Planning Council takes the position that it should only be authorized on an M2 zone, (Heavy industrial Area), far from residential areas; and be it further		Written
5/12/14	124	Barrigada Mayor Blas, Vice Mayor Bautista, Barrigada Municipal Planning Council	RESOLVED, that the Barrigada Municipal Planning Council expresses its concerns that the "health, safety and welfare" of residents residing in and around Bello Road, Barrigada Heights, Harmon Area, and Mendioka Street, as well as the Airport, are first and foremost and should not be heavily impacted by this proposed operation, more specifically, the potentially foul odor of Total Petroleum Hydrocarbon Waste, PCB and Pesticide dust that might linger around the residential area, and dust and noise pollution; and be it further		Written